

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

VICKY B.,)	
)	
Plaintiff)	
)	
v.)	No. 2:24-cv-00407-SDN
)	
LELAND DUDEK,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant)	

RECOMMENDED DECISION ON MOTION TO DISMISS

The Commissioner moves to dismiss this Social Security appeal for lack of prosecution. *See* Motion (ECF No. 10). In support of his motion, the Commissioner attaches a February 12, 2025, email from the Plaintiff to opposing counsel, in which she expresses her desire to “cancel this case entirely” because she does “not have the energy to” continue it. ECF No. 10-1. The Plaintiff did not file any opposition to the Commissioner’s motion to dismiss by the March 6, 2025, response deadline, nor did she file a brief in support of her appeal by the March 13, 2025, deadline set forth in the procedural order (ECF No. 9). Given the Plaintiff’s expressed desire to abandon this case and her failure to oppose dismissal or pursue her appeal by filing a brief, I recommend that the Court **GRANT** the Commissioner’s motion and **DISMISS** this case for want of diligent prosecution pursuant to Fed. R. Civ. P. 41(b).¹

¹ Although the issue should have been caught sooner, I also note that the Plaintiff never paid the filing fee or applied to proceed *in forma pauperis*.

NOTICE

A party may file objections to those specified portions of a Magistrate Judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the District Court is sought, together with a supporting memorandum, within fourteen (14) days after being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the District Court and to appeal the District Court's order.

Dated: March 14, 2025

/s/ Karen Frink Wolf
United States Magistrate Judge